

REMARKS

Claims 1-19 are pending in the application. Claims 1-11 stand rejected. Claim 1 is amended. No claims have been added or canceled.

Applicants thank the Examiner for allowing claims 12-19. Applicants have also amended the specification to correct a typographical error.

On the Merits

Claim Rejections - 35 U.S.C. § 102(b)

Claims 1-7 and 11 stand rejected under 35 U.S.C. § 102(b) as being anticipated by *Aizawa et al.* (US Publication 2003/0038290), hereinafter referred to as *Aizawa*.

Independent Claim 1:

Independent claim 1 now requires in part:

... wherein the housing is electrically conductive.

With regard to *Aizawa*, leads 51a and 51b are isolated from the housing inherently, because the lead 51a being connected to an electrode of the light emitting element 47 short-circuits to the lead 51b being connected to an electrode of the monitoring PD through the housing, *i.e.* the bottom plate 37. In *Aizawa*, it is not necessary to isolate the leads 51a and 51b from the housing because the housing is formed of a synthetic resin. Therefore, *Aizawa* does not expressly disclose any isolation between the leads 51a and 51b and the housing.

Hence, claim 1 was amended to add a limitation in that the housing has electrical conductivity. By the limitation, the claimed invention has advantages that the housing can be actively voltage clamped and the potential of the housing can be maintained without fail at a level which is desirable for avoiding discharge, for instance.

Claims 8 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Aizawa* in view of *Sonobe et al.* (US 6,054,716).

Dependent Claims 8 and 9:

As claims 8 and 9 ultimately depend from independent claim 1, the arguments presented above regarding claim 1 also apply to its dependent claims.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

Application No.: 10/587,363
Art Unit: 2875

Response
Attorney Docket No.: 062711

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

A handwritten signature in black ink, appearing to read 'D. Hubbs', is positioned above the printed name of the attorney.

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